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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,712	12/05/2001	Kazuo Hiraguchi	Q67023	7134

7590

05/29/2003

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2100 Pennsylvania Avenue N W  
Washington, DC 20037

EXAMINER

BUI, LUAN KIM

ART UNIT	PAPER NUMBER
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3728

DATE MAILED: 05/29/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 09/980,712	<b>Applicant(s)</b> HIRAGUCHI ET AL.	
	<b>Examiner</b> Luan K Bui	<b>Art Unit</b> 3728	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 April 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All    b) ☐ Some \*    c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

As a point of clarification, in claim 17, the phrases “said bottom plate” and “said cover plate” lack proper antecedent basis.

***Information Disclosure Statement***

Applicant is requested to review the last office action regarding the information disclosure statement because the Examiner is clearly stated that “It has been placed in the application file and has been considered for this office action”.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 3 are finally rejected under 35 U.S.C. 102(b) as being anticipated by the Japanese Patent No. 9-169383 (hereinafter JP'383). JP'383 discloses in the embodiment of Figure 6, a storage case comprising a storage part (42) having a bottom plate and inner walls and a cover part (42) hingedly connected to the bottom plate having a cover plate (43a) and outer walls (46) and at least one pair of ribs (52) disposed on the neighboring portions of the connecting portions between the cover plate and the outer walls for storing an information sheet.

3. Claims 9-11 and 16 are finally rejected under 35 U.S.C. 102(b) as being anticipated by the Weisburn et al. (5,597,068; hereinafter Weisburn'068). Weisburn'068 discloses a storage

case (1) comprising a storage part (2), a cover part (10) and a hinge part (11) for connecting together the storage part and the cover part having one or more ribs (40-47). The case of Weisburn'068 is inherently capable of storing a magnetic tape cassette and the ribs are capable of holding an information sheet therein.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3 and 4 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent No. 9-169383 (hereinafter JP'383) in view of Japanese Utility No. 149872 (hereinafter JP'872). JP'383 discloses in the embodiment of Figures 1-5, a storage case comprising a storage part (2) having a bottom plate and inner walls and a cover part (3) hingedly connected to the bottom plate having a cover plate (3a) and outer walls (9) and a rib (13) disposed on the neighboring portions of the connecting portions between the cover plate and the outer walls for storing an information sheet (12). JP'383 also discloses the other claimed limitations except for a pair of ribs in lieu of just one rib (13). JP'872 shows a storage case comprising a storage part (11) having at least a pair of ribs (12) for holding an information sheet (17). It would have been obvious to one having ordinary skill in the art in view of JP'872 to modify the case of JP'383 so the rib comprises at least a pair of ribs for holding the information sheet for better securing the sheet within the case.

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6. Claims 2 and 5-8 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 1 above, and further in view of Mallery (5,697,497) and Hehn et al. (4,643,301; hereinafter Hehn'301). JP'383 further fails to show the ribs being disposed substantially over the entire areas of the connecting portions. Mallery shows a storage case having at least a pair of ribs (116-122) disposed substantially over the entire areas of the connecting portions between the cover plate and side walls for holding a booklet. It would have been obvious to one having ordinary skill in the art in view of Mallery to modify the ribs of JP'383 as modified so the ribs is disposed substantially over the entire areas of the connecting portions for better securing the information sheet within the case.

As to claim 5, JP'383 fails to disclose a pair of ribs being provided on the neighboring of the connecting portions of the cover plate and the side walls and a sheet-shaped member having two end portions being fixed to the ribs to provide a predetermined clearance between the cover plate and the sheet-shaped member capable of storing an information sheet therein. Hehn'301 shows comprising a cover part (3) having recesses (44) and a sheet-shaped member (2) disposed substantially parallel to a cover plate of the cover part having two end portions with ribs (34) to engage/fix with the recess to provide a predetermined clearance between the cover plate and the sheet-shaped member capable of storing an information sheet (46) therein. It would have been obvious to one having ordinary skill in the art in view of Hehn'301 to modify the case of JP'383 so it includes a sheet-shaped member disposed substantially parallel to a cover plate of the cover part having two end portions fixed to the ribs for better protecting the information sheet therein.

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7. Claims 9-17 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Weisburn et al. (5,597,068; hereinafter Weisburn'068). Weisburn'068 discloses a storage case (1) comprising a storage part (2), a cover part (10) and a hinge part (11) for connecting together the storage part and the cover part having one or more ribs (40-47). Weisburn'068 fails to show the ribs comprises a pair of ribs as recited in claims 12-15 and 17. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the ribs of Weisburn'068 so the ribs comprises a pair of ribs each having two parallel flat plates having mutually opposed, convexly curved surfaces or the rib having a rectangular section and disposed substantially over the entire areas of the hinge part because the selection of the specific shape for the ribs such as the one as claimed would have been an obvious matter of design choice inasmuch as the resultant structures will work equally well and inasmuch as applicant's specification does not state that using these specific shapes as claimed solves any particular problem or yields any unexpected results.

#### ***Response to Arguments***

Applicant's arguments filed on 4/21/2003 have been fully considered but they are not deemed to be persuasive.

Applicant's arguments with respect to claims 1 and 3 are noted. They are not persuasive because the phrase "the neighboring portions of the connecting portions of the plate and the walls" as broadly recited read on the ribs/stops (52) of JP'383.

Applicant's arguments with respect to claims 9-11 and 16 are noted. They are not persuasive. Weisburn discloses the container for storing various articles such as jewel boxes (70) and similar data storage articles which is considered equivalent to the magnetic tape cassette as claimed. Additionally, Weisburn discloses a clearance between the similar data storage articles (70) and the holder (55) when the container is in closed position (see Figure 7).

Applicant's arguments with respect to claims 1, 3 and 4 are noted. Applicant is requested to review the last office action because the rejection of these claims is relied on Figures 1-5 of JP'383 but Applicant argues with respect to Figure 6 of JP'383. However, the arguments are not persuasive because there does not appear to be anything unobvious about providing two ribs in lieu of one rib for better holding the information sheet.

Applicant's arguments with respect to claim 2 are noted. Again, Applicant is requested to review the last office action because the rejection of this claim is relied on Figures 1-5 of JP'383 but Applicant argues with respect to Figure 6 of JP'383. However, the arguments are not persuasive because there does not appear to be anything unobvious about providing two short ribs as modified or the ribs are disposed substantially over the entire areas of the connecting portions for better securing the information sheet within the case.

Applicant's arguments with respect to claims 5-8 are noted. They are not persuasive because there is nothing in the claims indicate that the ribs disposed within the case when the case is in closed position.

Applicant's arguments with respect to claims 9-17 are noted. They are not persuasive. Weisburn discloses the container for storing various articles such as jewel boxes (70) and similar data storage articles which is considered equivalent to the magnetic tape cassette as claimed. Additionally, Weisburn discloses a clearance between the similar data storage articles (70) and the holder (55) when the container is in closed position (see Figure 7).

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.



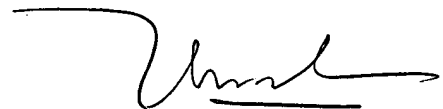
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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luan K. Bui whose telephone number is (703) 305-5861. If in receiving this Office Action, it is apparent to Applicant that certain documents are missing from the record for example copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers should be directed to TC 3700 Customer Service at (703) 306-5648.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1148. Facsimile correspondence for this application should be sent to (703) 305-3580 or (703) 872-9302 for Formal papers and (703) 872-9303 for After Final communications.

lkb  
May 28, 2003



Luan K. Bui  
Primary Examiner